

## **REMARKS**

### **Status of the Claims**

Upon entry of the instant amendment, claims 1-8 will remain pending in the present application. Claims 1-5 are withdrawn from further consideration.

In the instant amendment, claim 6 has been amended by incorporating all limitations of claim 7 except the limitation regarding the shape of the two successive elements (*i.e.*, wedge-shaped). Claim 7 is amended to maintain consistency with amended claim 6. Claims 1-5 are merely amended for formalities. The instant amendment made herein to the claims does not incorporate new matter into the application as originally filed.

Accordingly, proper consideration of each of the pending claims is respectfully requested, as is entry of the present amendment.

### **Allowable Subject Matter**

At page 5 of the Office Action, it is indicated that claims 7 and 8 (7) would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication of allowable subject matter in this application. As explained above, in the instant amendment, claim 6 is amended by incorporating all of the limitations of claim 7 except the limitation regarding the shape of the two successive elements (*i.e.*, wedge-shaped). In view of the current amendments to claim 6, the present invention should be defined over the cited references, even if the limitation "*wedge-shaped*" is not recited in claim 6, as discussed below. Thus, it is respectfully submitted that claim 6 and dependent claims thereof should be allowable.

**Rejections under 35 U.S.C. §103**

Claims 6 and 8(6) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachhofer US '681 (US Patent No. 6,060,681) in view of Fukahori JP '571 (JP 06-182571). Alternatively, claims 6 and 8(6) are rejected under 35 U.S. C. 103(a) as being unpatentable over Fukahori JP '571 in view of Bachhofer US '681. Applicants respectfully traverse. Reconsideration and withdrawal of the rejections are requested based upon the following considerations.

**Nonobviousness over the Combination of the Cited References**

As explained above, in the instant amendment, claim 6 is amended by incorporating the limitations of claim 7 (except the limitation regarding the shape of the two successive elements (*i.e.*, wedge-shaped)). Thus, in view of the current amendments to claim 6, the present invention is further defined over the combination of the cited references.

In the present invention, the means for opening the seal point, the laser head, and the seal closing means are disposed to form an integral unit so that a reciprocating movement is performed along the sealing line, as recited in claim 6. However, neither Bachhofer US '681 nor Fukahori JP '571 discloses or suggests the claimed integral reciprocating unit comprising the seal point opening means, the laser head and the seal closing means of the present invention. As stated in the Office Action, Bachhofer US '681 fails to disclose or suggest the claimed integral unit. Further, as stated in the Office Action, Fukahori JP '571 fails to disclose or suggest the means for pressing the members apart (*i.e.*, the seal point opening means). Thus, it is not obvious for one skilled in the art to reach the claimed features (*i.e.*, the integral reciprocating unit) based on the combination of Bachhofer US '681 and Fukahori JP '571. Furthermore, the

cited references fail to disclose or suggest the arrangement of a pair of seal point opening members (*i.e.*, the claimed two successive elements) spaced apart in the direction of movement of the reciprocating unit, so that the laser beam can be directed to the seal point between said pair of members.

Therefore, a *prima facie* case of obviousness is not established based on the combination of the cited references, since the cited references fail to disclose or suggest each of the instantly claimed features, as explained above. Likewise, there is no rationale and/or reasonable expectation of success based on the combination of the cited references, by which one skilled in the art could arrive at the present invention as claimed. Thus, it is submitted that the present invention is not obvious over Bachhofer US '681 in view of Fukahori JP '571.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Registration No. 68,859, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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